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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,027	02/23/2004	Po Hyoung Koh	LT-0048	3772
34610 7590 08/10/2010 KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200				
EXAMINER ADEGEYE, OLUWASEUN				
ART UNIT 2621		PAPER NUMBER		
MAIL DATE 08/10/2010		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/783,027

Applicant(s)

KOH ET AL.

Examiner

OLUWASEUN A. ADEGEYE

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/23/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35 - 38, 40 - 42 - 46 - 50, 52 - 54 - 57, 59 - 64 and 66 - 68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/23/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Drafts/Person's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims pending in the application are 35 - 38, 40 - 42 - 46 - 50, 52 - 54 - 57, 59 - 64 and 66 - 68 .

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 35 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 35 – 38, 40, 42 – 44, 46 – 50, 52, 54 – 57, 59 – 64 and 66 – 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogikubo (US 2003/0063528 A1) in view of Logan et al (US 2008/0155616 A1) and Lambert et al (US 6,895,170 B1)

As to **claim 35**, Ogikubo discloses a method of storing a plurality of resume marks associated with data on a recording medium (fig. 2 discloses a plurality of resume marks. Also see [056]), the method comprising:

providing data stored on the recording medium (optical disk D); and
storing a plurality of resume marks for a plurality of programs to control each program independently (see fig. 2 and [056]), the plurality of programs corresponding to the provided data, wherein each of the resume marks includes last playback position information (position information) having a presentation time stamp (see [056]) and mark type information (date and time information), and wherein the mark type

information represents whether an associated program is a most recently played program (see fig. 2 and [056]) among the plurality of programs having resume marks stored therefor (see fig. 2 and [069]).

However Ogikubo does not disclose wherein the pluralities of resume marks further comprise program identification information for the associated program.

Logan discloses plurality of resume marks further comprise program identification information for the associated program (see [081]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added wherein the plurality of resume marks further comprise program identification information for the associated program as taught by Logan to the apparatus of Ogikubo to provide a system for dynamically and interactively selecting and playing particular programs from a program library (see [001]).

Ogikubo in view of Logan discloses storing a plurality of resume marks by a plurality of users (see fig. 2 and [056] of Ogikubo). However they do not disclose that the plurality of resume marks are for a plurality of programs.

Lambert on the other hand discloses a DVD storing a plurality of programs corresponding to the provided audio/video data stored on the recording medium (see column 4, lines 13 - 21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added using a DVD with a plurality of programs as taught by Lambert to the apparatus of Ogikubo in view of Logan to arrive at a recording

medium that is able to store resume marks of a plurality of users for a plurality of programs.

As to **claim 44**, Ogikubo discloses a resume mark to control each of a plurality of programs independently which are stored on a recording medium (optical disk D) (see fig. 2 and [056]), the resume mark comprising:

a mark type (date and time information) configured to represent whether an associated program is a most recently played program (see fig. 2 and [056]) among the plurality of programs having resume marks stored therefor (see fig. 2 and [069]).

a mark time stamp (position information) configured to represent a last playback position of the associated program (see fig. 2 and [056]).

However Ogikubo does not disclose program identification information for the associated program.

Logan discloses program identification information for the associated program (see [081]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added program identification information for the associated program as taught by Logan to the apparatus of Ogikubo to provide a system for dynamically and interactively selecting and playing particular programs from a program library (see [001]).

Ogikubo in view of Logan discloses storing a plurality of resume marks by a plurality of users (see fig. 2 and [056] of Ogikubo). However they do not disclose that the plurality of resume marks are for a plurality of programs.

Lambert on the other hand discloses a DVD storing a plurality of programs corresponding to the provided audio/video data stored on the recording medium (see column 4, lines 13 - 21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added using a DVD with a plurality of programs as taught by Lambert to the apparatus of Ogikubo in view of Logan to arrive at a recording medium that is able to store resume marks of a plurality of users for a plurality of programs.

As to **claim 47**, grounds for rejecting claim 35 apply to claim 47 in its entirety.

As to **claim 36**, Ogikubo in view of Logan discloses the method of claim 35. Ogikubo discloses wherein the last playback position information includes an address corresponding to a last playback position (see [056]. The above paragraph discloses an address).

As to **claim 37**, Ogikubo in view of Logan discloses the method of claim 35. Ogikubo discloses wherein the storing comprises storing the plurality of resume marks in an apparatus for playing back data recorded on the recording medium (see [056] and [06] – [062]).

As to **claim 38**, Ogikubo in view of Logan discloses the method of claim 35. Ogikubo discloses wherein the plurality of resume marks is identified by numbers (see fig. 2 and [056]).

As to **claim 40**, Ogikubo in view of Logan discloses the method of claim 35.

However Ogikubo does not disclose wherein the program identification information is an intrinsic program ID or a program name.

Logan discloses program identification information for the associated program (see [081]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added program identification information for the associated program as taught by Logan to the apparatus of Ogikubo to provide a system for dynamically and interactively selecting and playing particular programs from a program library (see [001]).

As to **claim 42**, Ogikubo in view of Logan discloses the method of claim 35. Ogikubo discloses wherein the storing comprises storing the plurality of resume marks in a particular field of the recording medium (see [057]).

As to **claim 43**, Ogikubo in view of Logan discloses the method of claim 35. Ogikubo discloses wherein the storing comprises storing a plurality of resume marks for each of the plurality of programs (see fig. 2 and [056] – [057]).

As to **claim 46**, Ogikubo in view of Logan discloses the resume mark of claim 44. Ogikubo discloses wherein the mark time stamp includes a presentation time stamp (PTS) or a physical sector number (PSN) corresponding to an associated last playback position (see [056] and fig. 2).

As to **claim 48**, grounds for rejecting claim 36 apply to claim 48 in its entirety.

As to **claim 49**, grounds for rejecting claim 37 apply to claim 49 in its entirety.

As to **claim 50**, grounds for rejecting claim 38 apply to claim 50 in its entirety.

As to **claim 52**, grounds for rejecting claim 40 apply to claim 52 in its entirety.

As to **claim 54**, grounds for rejecting claim 42 apply to claim 54 in its entirety.

As to **claim 55**, grounds for rejecting claim 35 apply to claim 55 in its entirety.

As to **claim 56**, grounds for rejecting claim 36 apply to claim 56 in its entirety.

As to **claim 57**, grounds for rejecting claim 37 apply to claim 57 in its entirety.

As to **claim 59**, grounds for rejecting claim 40 apply to claim 59 in its entirety.

As to **claim 60**, grounds for rejecting claim 42 apply to claim 60 in its entirety.

As to **claim 60**, grounds for rejecting claim 42 apply to claim 60 in its entirety.

As to **claim 61**, grounds for rejecting claim 43 apply to claim 61 in its entirety.

As to **claim 62**, grounds for rejecting claim 35 apply to claim 62 in its entirety.

As to **claim 63**, grounds for rejecting claim 36 apply to claim 63 in its entirety.

As to **claim 64**, grounds for rejecting claim 37 apply to claim 64 in its entirety.

As to **claim 66**, grounds for rejecting claim 40 apply to claim 66 in its entirety.

As to **claim 67**, grounds for rejecting claim 42 apply to claim 67 in its entirety.

As to **claim 68**, grounds for rejecting claim 43 apply to claim 68 in its entirety.

4. Claims 41, 45 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogikubo in view of Logan and Lambert as applied to claims 35, 44 and 47 and further in view of Well known Knowledge of the art.

As to **claim 41**, Ogikubo in view of Logan and Lambert discloses the method of claim 35. However Ogikubo in view of Logan and Lambert does not disclose wherein

the mark type information (date and time information) includes a plurality of values represented by bits.

Official notice is taken that decimal numbers can be easily stored in binary numbers.

It is obvious to one of ordinary skill in the art to have represented the mark type [information (date and time information) in bits rather than in decimal since majority of computer processors represent data in bits.

As to **claim 45**, grounds for rejecting claim 41 apply to claim 45 in its entirety.
As to **claim 53**, grounds for rejecting claim 41 apply to claim 53 in its entirety.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUWASEUN A. ADEGEYE whose telephone number is (571)270-1711. The examiner can normally be reached on Monday - Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

08/05/2010

/O.A/